

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

U.S. DISTRICT COURT

2012 MAR 20 P 1:1b

JENNY E. VALVANO

Plaintiff

CASE#

72-1724  
(WJM)

-v-

WORLD FINANCIAL NETWORK  
NATIONAL BANK

Defendant

COMPLAINT

Plaintiff, Jenny E. Valvano individually, hereby sues Defendant, World Financial Network National Bank for violations of the Telephone Consumer Protection Act (TCPA) Sec. 227., 47 USC § 227(b)(1), 47 USC § 227(a) (iii).

PRELIMINARY STATEMENT

1. This is an action for damages and injunctive relief brought by Plaintiff against Defendant for violations of the Telephone Consumer Protection Act (TCPA) Sec. 227., 47 USC § 227(b) (1), 47 USC § 227(a) (iii).

2. Upon belief and information, Plaintiff contends that many of these practices are widespread for the Defendant. Plaintiff intends to propound discovery from Defendant and identify other individuals who have suffered similar violations.

**3. Plaintiff contends that the Defendant has violated such laws by repeatedly harassing Plaintiff in attempts to collect an alleged debt.**

**JURISDICTION AND VENUE**

**4. Jurisdiction of this Court arises under 47 U.S.C. §227(b) (3).**

**5. Venue is proper pursuant to 28 U.S.C. §1391b. Venue in this District is proper in that the Plaintiff resides here, the Defendants transact business here, and the conduct complained of occurred here.**

**6. This is an action for damages which exceed \$45,000.00.**

**PARTIES**

**7. Plaintiff, Jenny E. Valvano, is a natural person and is a resident of the State of New Jersey.**

**8. Upon information and belief Defendant, World Financial Network National Bank is a foreign corporation, authorized to do business in New Jersey.**

**9. Upon information and belief World Financial Network National Bank is an Ohio domiciled corporation located at 3100 Easton Square Place Columbus, OH 43219, authorized to do business in New Jersey.**

**FACTUAL ALLEGATIONS**

**10. Between the dates of January 11, 2012 thru January 25, 2012, World Financial Network National Bank violated the TCPA by calling plaintiffs cellular phone thirty-one 31 separate times while utilizing an automatic telephone dialing system.**

**11. From, January 11, 2012 thru January 25, 2012, World Financial Network**

**National Bank violated the TCPA by calling Plaintiff's cell phone thirty-one 31 separate times with no prior verbal or written permission given by Plaintiff.**

**COUNT I  
VIOLATIONS OF THE TELEPHONE  
COMMUNICATIONS ACT47 U.S.C. §227**

**12. Plaintiff alleges and incorporates the information in paragraphs 1 through 11.**

**13. Defendant World Financial Network National Bank has demonstrated willful or knowing non-compliance with 47 U.S.C. §227(b)(1)(A) by using an automatic telephone dialing system to call the Plaintiff's number, which is assigned to a cellular telephone service.**

**14. Defendant World Financial Network National Bank has committed thirty-one 31 separate violations of 47 U.S.C. §227(b)(1)(A) and Plaintiff is entitled to damages of \$1500 per violation pursuant to 47 U.S.C. §227(b)(3)(B).**

**15. Defendant World Financial Network National Bank has demonstrated willful or knowing non-compliance with 47 U.S.C. §227(b)(1)(A) The last thirty-one 31 calls are subject to treble damages pursuant to 47 U.S.C. §227(b)(3) as they were intentional.**

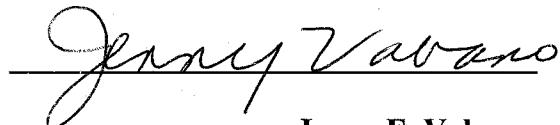
**16. Defendant Zwicker & Associates, P.C has demonstrated willful or knowing non-compliance with 47 U.S.C. §227(b)(1)(A) by calling the Plaintiff's number, which is assigned to a cellular telephone service. The Plaintiff has never given World Financial Network National Bank permission either verbally or written to call Plaintiffs cell phone. Plaintiff is entitled to damages of \$1500 per violation pursuant to 47 U.S.C. §227(b) (3)(B).**

**WHEREFORE, Plaintiff demands judgment for damages against World Financial Network National Bank for actual or statutory damages, and punitive damages, attorney's fees and costs.**

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury of all issues so triable, as a matter of law.

Respectfully submitted March 16, 2012



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